

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUL 22 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 22 2004

The applicant **David E. and Karen L. Hardy** hereby make application for permission to change the **Point of Diversion, Place and Manner of Use of a portion** of water heretofore appropriated under **Permit 23685, Certificate 8451**

1. The source of water is **Underground**
2. The amount of water to be changed **0.169 c.f.s., 40 AFA**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.16N., R.21E., MDM, or at a point from which the SW corner of said Section 12, bears South 61°06' West, 1809 feet**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.16N., R.21E., MDM, or at a point from which the E $\frac{1}{4}$ corner of Section 1, T.16N., R.21E., MDM bears North 18°44'30" East, 5328.50 feet**
7. Proposed place of use **within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.16N., R.21E., MDM – to be limited to irrigation of 10 acres**
8. Existing place of use **See attached**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **March 1 to October 1** of each year.
11. Description of proposed works **well, pump and motor, and irrigation distribution system**
12. Estimated cost of works **well is existing**
13. Estimated time required to construct works **1 year to equip**
14. Estimated time required to complete the application of water to beneficial use **3 years**
15. Remarks: **See attached**

By **Bruce R. Scott, Resource Concepts, Inc.**
s/ Bruce R. Scott
340 North Minnesota Street
Carson City, Nevada 89703

Compared sg/sam mt/bk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 23685, Certificate 8451 is issued subject to the terms and conditions imposed in said Permit 23685 Certificate 8451 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under this permit and Permit 71485 shall not exceed 40.0 acre-feet annually. This permit and Permit 71485 are limited to the irrigation of 10.0 acres within the described place of use, which must remain totally supplemental to surface rights. The permittee is responsible for insuring delivery of the entitled decreed surface waters that are supplemental to these permits. In any year that the Federal Water Master declares a full allocation of decreed waters to the priority years of the Carson River claims supplemental to these permits, underground water shall not be pumped from the wells. In any year that the Federal Water Master has no decreed water, or declares a reduced allocation of surface permits, then the place of use of the permits can be irrigated with underground water, but not to exceed a duty of 4.0 acre-feet per acre annually from the total of decreed and underground waters.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1692 cubic feet per second, but not to exceed 40.0 acre-feet annually, and not to exceed a seasonal duty from March 1st to October 1st of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 21, 2007

Proof of completion of work shall be filed on or before:

April 21, 2007

Water must be placed to beneficial use on or before:

March 21, 2009

Proof of the application of water to beneficial use shall be filed on or before:

April 21, 2009

Map in support of proof of beneficial use shall be filed on or before:

April 21, 2009

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 21st day of March, A.D. 2006



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Attachment to Application to Change a portion of Permit 23685, Certificate 8451**Item 8. Existing Place of Use**

SW $\frac{1}{4}$ NE $\frac{1}{4}$ (6 ac), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (32 ac), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (38 ac), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (4 ac), SE $\frac{1}{4}$ SE $\frac{1}{4}$ (6 ac) Section 12, T.16 N., R.21 E.; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (11 ac), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (19 ac), NW $\frac{1}{4}$ NE $\frac{1}{4}$ ((28 ac remaining after withdrawal of 10 ac), NE $\frac{1}{4}$ NE $\frac{1}{4}$ (1.38 ac remaining after withdrawal of 16.62 ac), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (10 ac), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (16 ac), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (33 ac), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (31 ac), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (4 ac) Section 7, T.16 N., R.22 E., MDM – 239.38 acres total (266 certificated acres, less withdrawal of 26.62 acres). This application is to remove 10 acres from irrigation in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.16 N., R.22 E., MDM

Item 15. Remarks

The water under this application is to be supplemental to water under applications that are being filed concurrently to change a portion of Permit 26729, Certificate 8957 and portions of Carson River Decree Claims 749 and 750. These four applications are to be limited to irrigation of 10 acres within the proposed place of use. Use Proof of Beneficial Use map on file at the Division of Water Resources under Permit 23685 to support the existing point of diversion.